

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	DOCKET NO. 3:17-mc-47-FDW
)	
TONYA LASHUN HALL)	
_____)	

JOINT MOTION TO LIMIT SENTENCE TO PENALTIES FOR PETTY OFFENSES

NOW COMES the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, and Defendant Tonya Lashun Hall, through counsel, and hereby move this Court to limit any sentence imposed in this case to the penalties provided for petty offenses.

In support, the parties show the following:

1. On July 18, 2017, this Court issued an Order to Show Cause as to Defendant Tonya Lashun Hall, initiating criminal contempt proceedings under Title 18, United States Code, Section 401, and providing notice as required by Rule 42(a) of the Federal Rules of Criminal Procedure. (Order, Doc. 3).

2. Section 401 does not specify a statutory maximum sentence for a defendant convicted of criminal contempt but instead, affords courts “discretion” to punish “contempt of its authority” by “fine or imprisonment, or both.” *See* 18 U.S.C. § 401. To sentence a defendant to more than six months in prison, however, a defendant facing criminal contempt charges must be afforded the right to a jury trial. *See Bloom v. Illinois*, 391 U.S. 194, 208 (1968). On the other hand, if the penalty is capped at six months in prison or a \$5,000 fine, the contempt is deemed to be a petty offense, and the defendant does not have a constitutional right to a trial by jury. *See United States v. Troxler Hosiery Co., Inc.*, 681 F.2d 934, 935–36 (4th Cir. 1982).

3. To allow this Court to adjudicate Hall's criminal contempt without triggering her constitutional right to a jury trial, the parties move to limit the maximum possible sentence in this case to the penalties available for petty offenses, specifically, six months in prison, a \$5,000 fine, or both.

Respectfully submitted, this 8th day of December, 2017.

R. ANDREW MURRAY
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CERTIFICATE OF SERVICE

A copy of the forgoing Motion was served on Defendant Tonya Lashun Hall through electronic case filing via counsel of record, Mark P. Foster, Jr.

This the 8th day of December, 2017.

/s/William M. Miller
Assistant United States Attorney